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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

4

Application Number

10/731,857

Filing Date

December 9, 2003

First Named Inventor

Florence MARCIACQ

Art Unit

1623

Examiner Name

Patrick T. Lewis

Attorney Docket Number

BRV.10014

**ENCLOSURES (Check all that apply)**

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/  
Incomplete ApplicationReply to Missing Parts  
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a  
Provisional ApplicationPower of Attorney, Revocation  
Change of Correspondence Address

Terminal Disclaimer



Request for Refund



CD, Number of CD(s) \_\_\_\_\_

☐ Landscape Table on CD

After Allowance Communication to TC

Appeal Communication to Board  
of Appeals and InterferencesAppeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify  
below):

DEMARK U.

**Remarks**

The Director is hereby authorized to charge any appropriate fees that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-3218. This paper is submitted in duplicate.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Hutchison &amp; Mason PLLC

Signature

*Mary B. Grant*

Printed name

Mary B. Grant

Date

November 14, 2005

Reg. No.

32,176

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

*Jennie P. Snead*

Typed or printed name

Jennie P. Snead

Date

November 14, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Patent  
Attorney Docket No. BRV.10014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|   |                            |
|---|----------------------------|
| Inventor(s): Florence MARCIACQ et al.   | Mail Stop: Amendment       |
| Application No.: 10/731,857   | Group Art Unit: 1623       |
| Filing or 371(c) date: December 9, 2003   | Examiner: Patrick T. Lewis |
| Title: Process for Manufacturing<br>Morpholino-Nucleotides, and Use<br>Thereof for the Analysis of and<br>Labelling of Nucleic Acid Sequences | Confirmation No.: 4238     |

**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In complete response to the Restriction Requirement mailed October 14, 2005,  
Applicants elect Group I, claims 1-30, with traverse.

The Restriction requirement required restriction to one of the following inventions  
under 35 U.S.C. § 121:

I. Claims 1-30, drawn to a process for manufacturing a nucleic acid fragment,  
classified in class 536, subclass 25.32;

II. Claims 31-38, drawn to a process for manufacturing a morpholino-nucleotide of  
formula (I), classified in class 536, subclass 26.71.

Under the statute, an application may properly be required to be restricted to one of  
two or more claimed inventions only if they are able to support separate patents and they are  
either independent or distinct. However, if the search and examination of an entire  
application can be made without serious burden, the examiner must examine it on the merits,  
even though it includes claims to independent or distinct inventions. *MPEP* § 803.

According to the Restriction Requirement, each of Groups I and II are to be searched  
in only one subclass. The combined subclasses only contain about 750 patents, according to  
the U.S. Patent and Trademark Office website. Therefore, the search and examination of all

the claims could be made without serious burden. In view thereof, Applicants respectfully request that the restriction requirement be withdrawn.

If the restriction requirement is maintained, Applicants reserve the right to file divisional application(s) based on the non-elected claims.

If any questions arise, the Examiner is invited to phone the undersigned at the below listed number.

**Although it is believed that no fee is necessary, the Director is hereby authorized to charge any appropriate fees that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-3218**

Respectfully submitted,

HUTCHISON & MASON PLLC

Date: November 14, 2005

By: Mary B. Grant  
Mary B. Grant  
Registration No. 32,176

P.O. Box 31686  
Raleigh, NC 27612  
+1.919.829.9600

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 14, 2005

Jennie Snead  
(Typed Name of Person Signing Certificate)

Jennie Snead  
(Signature of Person Signing Certificate)

Date of Signing: November 14, 2005